

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

MEGAN VOEKS,

Plaintiff,

Case No. _____

vs.

Removed from the Circuit Court of the
State of Wisconsin for Milwaukee
County

SINEW MANAGEMENT GROUP, LLC,
d/b/a TWEED LENDING, d/b/a BICOASTAL
FUNDING,

Defendant.

NOTICE OF REMOVAL

Gina M. Colletti
Clerk of Court
U.S. DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
517 East Wisconsin Avenue
Milwaukee, WI 53202

John Barrett
Clerk of Circuit Court
CIRCUIT COURT FOR THE STATE OF WISCONSIN
MILWAUKEE COUNTY
901 North Ninth Street
Milwaukee, WI 53233

John D. Blythin
Mark A. Eldridge
Jesse Fruchter
Ben J. Slatky
ADEMI LLP
3620 East Layton Avenue
Cudahy, WI 53110
Attorneys for Plaintiff Megan Voeks

Hon. Timothy Witkowiak
Circuit Judge
CIRCUIT COURT FOR THE STATE OF WISCONSIN
MILWAUKEE COUNTY
901 North Ninth Street
Milwaukee, WI 53233

PLEASE TAKE NOTICE that Defendant Sinew Management Group, LLC, by and through its undersigned counsel, hereby removes the civil action known as *Voeks v. Sinew Management Group, LLC, d/b/a Tweed Lending, d/b/a Bicoastal Funding*, Case 2020CV006288, from the Circuit Court for the State of Wisconsin, Milwaukee County, to the United States

District Court for the Eastern District of Wisconsin under 15 U.S.C. § 1681p and 28 U.S.C. §§ 130(a), 1331, 1367, 1441, and 1446. The grounds for removal are:

1. Plaintiff Megan Voeks (“Voeks”) initiated this action on October 22, 2020, by filing a complaint in the Circuit Court for the State of Wisconsin, Milwaukee County, Case 2020CV006288 (“State Court Action”).

2. Defendant Sinew Management Group, LLC (“Sinew”) first received copies of the summons and complaint in the State Court Action on or after December 10, 2020.

3. True and correct copies of Voeks’s summons and complaint, the only documents yet filed in the State Court Action to the knowledge of Sinew, are attached to this Notice as **Exhibit A**.

4. Thirty days have not yet expired since this action became removable to this Court. Removal is therefore timely under 28 U.S.C. § 1446(b)(1).

5. Voeks alleges in the complaint that Sinew violated the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* (the “FCRA”), by mailing her two letters during the summer of 2020.

6. The State Court Action is a civil action that may be removed to this Court under 28 U.S.C. § 1441(a) because it is one over which the District Courts of the United States have been given original jurisdiction under 15 U.S.C. § 1681p and 28 U.S.C. § 1331.

7. Voeks also alleges in the complaint that Sinew violated the Wisconsin Consumer Act, based on the same two letters underlying her claim for violation of the FCRA. This Court may exercise supplemental jurisdiction over this state-law claim under 28 U.S.C. § 1367(a) because it is so related to Voeks’s claim under the FCRA as to form part of the same case or controversy under Article III of the United States Constitution. The presence of this state-

law claim does not prevent removal under 28 U.S.C. §§ 1331 and 1441(a). *See City of Chicago v. Int'l College of Surgeons*, 522 U.S. 156, 166 (1997).

8. Under 28 U.S.C. § 130(a) and 28 U.S.C. § 1441(a), removal to the United States District Court for the Eastern District of Wisconsin is proper because it is the federal judicial district encompassing the Circuit Court for the State of Wisconsin, Milwaukee County.

9. In compliance with General Local Rule 3, a copy of this Court's consent form regarding jurisdiction by a United States Magistrate Judge is attached as **Exhibit B**. In compliance with Civil Local Rule 3(a), a civil cover sheet is attached as **Exhibit C**. In compliance with Civil Local Rule 7.1(b)(1), Sinew is filing a separate disclosure statement contemporaneously with this Notice of Removal.

10. In accordance with 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be promptly filed with the Clerk of Circuit Court for the Circuit Court of the State of Wisconsin, Milwaukee County, and written notice of the filing of this Notice of Removal will be served upon Voeks's counsel of record. A true and correct copy of the Notice of Filing of Notice Removal is attached as **Exhibit D**.

11. There are no defendants named in Voeks's complaint in the State Court Action other than Sinew.

12. Wherefore, Sinew respectfully gives notice that this action is removed from the Circuit Court for the State of Wisconsin, Milwaukee County, to the United States District Court for the Eastern District of Wisconsin. In filing this Notice of Removal, Sinew does not waive, and expressly reserves, any defense that may be available to it.

Dated: January 11, 2021

/s/ Aaron R. Wegrzyn

Eric G. Pearson (WBN 1064367)
Aaron R. Wegrzyn (WBN 1094262)
FOLEY & LARDNER LLP
777 East Wisconsin Avenue
Milwaukee, WI 53202
414.297.2400 (telephone)
414.271.4900 (facsimile)
epearson@foley.com
awegrzyn@foley.com

Michael A. Robinson (pro hac vice application
forthcoming)
PEEBLES KIDDER BERGIN & ROBINSON LLP
2020 L Street, Suite 250
Sacramento, CA 95811
916.441.2700 (telephone)
916.441.2067 (facsimile)
mrobinson@ndnlaw.com

*Attorneys for Defendant Sinew Management
Group, L.L.C.*

Certificate of Service

I certify that on January 11, 2021, a copy of this document, and all exhibits thereto, was filed electronically with the Clerk of this Court and sent via first-class U.S. mail and electronic mail to the following counsel of record:

John D. Blythin
Mark A. Eldridge
Jesse Fruchter
Ben J. Slatky
ADEMI LLP
3620 East Layton Avenue
Cudahy, WI 53110
jblythin@ademilaw.com
meldridge@ademilaw.com
jfruchter@ademilaw.com
bslatky@ademilaw.com

Attorneys for Plaintiff Megan Voeks

/s/ Aaron R. Wegrzyn

Aaron R. Wegrzyn (WBN 1094262)
FOLEY & LARDNER LLP
777 East Wisconsin Avenue
Milwaukee, WI 53202
414.297.2400 (telephone)
414.271.4900 (facsimile)
awegrzyn@foley.com